

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARC FISHMAN,

Plaintiff.

19-cv-00265-NSR

- against -

**DECLARATION OF CANER
DEMIRAYAK, ESQ.**

CITY OF NEW ROCHELLE, LANE
SCHLESINGER, SHIELD # 1058, JOSEPH F.
SCHALLER, ROBERT GAZOLLA, IN HIS
OFFICIAL CAPACITY AS POLICE
COMMISSIONER OF THE CITY OF NEW
ROCHELLE POLICE DEPARTMENT,
SERGEANT MYRON JOSEPH SHIELD # 18,
AND COUNTY OF WESTCHESTER,

Defendants.
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CANER DEMIRAYAK, an attorney duly admitted to practice law before the courts of the State of New York, and the United States District Court for the Southern District of New York hereby declares under penalty of perjury and pursuant to 28 U.S.C. 1746(2) as follows:

1. I am the attorney for the plaintiff MARC FISHMAN in the above referenced action and submit this Declaration in opposition to the City of New Rochelle's motion for summary judgment.
2. Annexed hereto as **Exhibit 1** are relevant pages from the transcript of the deposition of plaintiff MARC FISHMAN.
3. Annexed hereto as **Exhibit 2** are the text messages between plaintiff and Ann Elliot from December 14 to 15, 2018.
4. Annexed hereto as **Exhibit 3** are relevant pages from the transcript of the deposition of Ann Elliot.
5. Annexed hereto as **Exhibit 4** is the March 30, 2018 Order.

6. Annexed hereto as **Exhibit 5** is a medical note confirming plaintiff's disabilities.
7. Annexed hereto as **Exhibit 6** are disability identification cards of plaintiff.
8. Annexed hereto as **Exhibit 7** is the June 13, 2018 Order.
9. Annexed hereto as **Exhibit 8** are the relevant pages from the transcript of the deposition of Isabel Bolivar.
10. Annexed hereto as **Exhibit 9** are the relevant pages from the transcript of the deposition of Lane Schlesinger.
11. Annexed hereto as **Exhibit 10** are the relevant pages from the transcript of the deposition of Robert Wenzler.
12. Annexed hereto as **Exhibit 11** is the Officer Narrative.
13. Annexed hereto as **Exhibit 12** are the relevant pages of the memorandum of law in support of plaintiff's motion to set aside the jury verdict in the underlying criminal case.
14. Annexed hereto as **Exhibit 13** are the relevant pages of the affirmation in partial opposition to plaintiff's motion to set aside the jury verdict in the underlying criminal case.
15. Annexed hereto as **Exhibit 14** is a USB drive containing the audio recording of the 911/station house call made by Jennifer Solomon to New Rochelle Police.
16. Annexed hereto as **Exhibit 15** is the New York Criminal Jury Instruction for Contempt in the Second Degree under Penal Law 215.50(3).
17. Annexed hereto as **Exhibit 16** is a USB drive containing the entire videos provided by the defendant in this lawsuit.
18. As such, and based upon the plaintiff's counter statement of material facts, and memorandum of law, the City of New Rochelle's motion for summary judgment must be denied.

19. I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 6, 2024


